



US Department
of Transportation
Federal Aviation
Administration

Mike Monroney Aeronautical Center
Civil Aerospace Medical Institute (CAMI)
Aerospace Medical Certification Division

P.O. Box 25082
Oklahoma City, OK 73125-9867

APR 24 2015

NANCY R HARRISON
KPNX TV
307 W TORMEY DR
BUILDING 16 RM 101
FLAGSTAFF A 86002

Ref: Andreas Guenter Lubitz
PI # 2169319
APP ID # 2001587238
FOIA# 2015-004666CA

Dear Ms. Harrison:

This letter responds to your e-mailed Freedom of Information Act request of March 31, 2015, seeking documents pertaining to "Andreas Guenter Lubitz's medical certificates including any records showing what medical certification tests Lubitz had taken in the past 10 years ... copy of the 3rd class medical certificate ...copy of Lubitz's student pilots license certificate ..." Your correspondence was assigned to the Civil Aerospace Medical Institute ("CAMI") for responsive records pertaining to medical certification. Your request was received in our office on April 3, 2015.

Subsequent to a diligent search of records within its custody, CAMI has identified the medical certification file for Airman Lubitz as being responsive to your request. We are disclosing Airman Lubitz's medical certification file, in its entirety, except for redaction of the identifying information of consulting/treating medical professionals and personal home address and telephone number of Mr. Lubitz. To disclose the identity of these medical professionals would constitute an unwarranted invasion of personal privacy. Furthermore to disclose the personal home address and phone number would constitute an unwarranted invasion of the surviving family of Mr. Lubitz. Accordingly, we have redacted certain identifying information pursuant to Exemption (b)(6) of the Freedom of Information Act and 49 C.F.R. § 7.13 of the Department's Regulations.

In considering your request, we referred to Department of the Air Force V. Rose, 425 U.S. 352, 372 (1989) which held that where a privacy interest is found to exist, a balancing between the rights of the individual concerned and any public interest in disclosure must be performed. Further, we considered Department of Justice v. Reporters Committee for Freedom of the Press, 109 S. Ct. 1468, 1483 (1989) which held that if, on balance, personal data would not contribute significantly to the public understanding of the operation or activities of the government then the information is protected from disclosure.

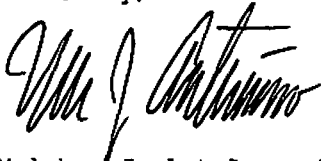
In the present request, the requested medical information is not considered "basic information." Therefore, the routine use which allows the disclosure of basic airman information, under the Privacy Act, does not apply. Further, information shared between treating medical professionals and their patients is generally privileged. A consulting or treating medical professional would not expect to see the facts surrounding his relationship with a patient subjected to public scrutiny. Additionally the surviving family members have a reasonable expectation to be free from unreasonable intrusion. Accordingly, we have determined that a privacy interest exists.

Regarding the public interest, public knowledge of individual names of consulting/treating medical professionals would not contribute significantly to the public understanding of the operation or activities of the government. Similarly the personal home address and telephone number of Mr. Lubitz does not shed any light on the activities of the government. On balance, the privacy interests outweigh the public interest in the release of identifying personal information.

The undersigned is responsible for this partial denial. You may request reconsideration of this response by writing the Assistant Administrator for Finance and Management (AFN-1), Federal Aviation Administration, 800 Independence Ave. S.W., Washington, D.C. 20591. Your request for reconsideration must be made in writing within 30 days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

If we can be of further service, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melchor J. Antuñano', written in a cursive style.

Melchor J. Antuñano, M.D.
Director, Civil Aerospace Medical Institute

Enclosure

MJA/klh

P.S. Additionally, Wesley Bruer, CNN, has made a similiar FOIA request.